

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
CHIQUITA BANANA NORTH AMERICA, LLC,  
DOLE FRESH FRUIT COMPANY, S. KATZMAN  
PRODUCE INC., and KATZMAN BERRY CORP.

Case No. 2:14-cv-00982-ADS-AKT

Plaintiffs,

- against -

LONG ISLAND BANANA CORP., SUFFOLK  
BANANA CO., INC., et al.,

Defendants.  
-----X

**DECLARATION OF ROBERT L. RATTET REGARDING  
EXHIBITS FOR CONTINUED EVIDENTIARY HEARING ON JULY 17, 2014**

1. I am a partner of Herrick, Feinstein LLP, attorneys for the defendants in the above-captioned matter. I am admitted to practice in the U.S. District Court for the Eastern District of New York, and make this declaration pursuant to 28 U.S.C. § 1746.

2. Attached hereto as Exhibit A are copies of checks written from the checking account of Brook Enterprises Ltd. at Hudson Valley Bank, Account No. 2000728001 that were produced by Alison Bretherick.

3. Attached hereto as Exhibit B are copies of checks written from the checking account of Alison Bretherick at Hudson Valley Bank, Account No. 2000058806 that were produced by Alison Bretherick.

I declare under penalty of perjury that the foregoing is true and correct pursuant to 28 U.S.C. § 1746.

Dated: July 16, 2014  
New York, New York

/s/ Robert L. Rattet  
ROBERT L. RATTET

**EXHIBIT A**  
**(BROOK ENTERPRISES ACCOUNT)**

Brook Enterprises

DATE April 7<sup>th</sup>, 2014

50-930/219  
20

PAY  
TO THE  
ORDER OF Alison Bretherick

\$ 540<sup>00</sup>

Five Hundred forty and

00

DOLLARS



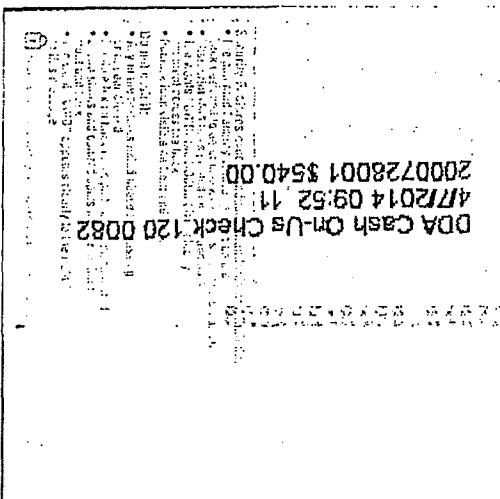
HUDSON VALLEY BANK  
WOOLWORTH OFFICE  
233 BROADWAY, SUITE 2205  
NEW YORK, N.Y. 10278

FOR

CASH

*[Signature]*

⑈000311⑈ ⑆021909300⑆ 2000728001⑈



*[Signature]*

4/7/2014 - 16548490 - Acct#:2000728001 - Amt:\$540.00 - Chk#:311

Sheet 1

0003 13 0219093001 2000728 001

*X - Collected by Mrs. J. H. Smith  
for collection dated 4/19/37*

Brack Enterprises

DATE 4/22/14

50-930/219  
20

PAY  
TO THE  
ORDER OF

Five Thousand and

Alison Bretherick

5000538001 00000000  
4/22/2014 16:00 45  
DDA Cash On-Us Check 120 0082

DOLLARS



HUDSON VALLEY BANK  
WOOLWORTH OFFICE  
233 BROADWAY, SUITE 2205  
NEW YORK, N.Y. 10279

FOR

ONSH

*Alison Bretherick*

⑈000323⑈ ⑆021909300⑆ 2000728⑈001⑈

Public  
DDA Cash On-Us Check 120 0082  
4/22/2014 16:00 45  
2000728001 \$5,000.00  
0120080254

>021909300<  
Hudson Valley Bank #120  
2014-04-22  
0120080254

*Alison Bretherick*

4/22/2014 - 80254 - Acct#:2000728001 - Amt:\$5,000.00 - Chk#:323

Sheet 1



**BROOK ENTERPRISES LTD**  
696 MERRICK RD  
LYNBROOK, NY 11563-2312

1002

58-930/219  
20

DATE April 25<sup>th</sup>, 2014

PAY TO THE ORDER OF Fischetti and Malgieri \$ 25,000<sup>00</sup>

Twenty Five Thousand and no 100 DOLLARS



**HUDSON VALLEY BANK**

233 BROADWAY, SUITE 2205, NEW YORK, NY 10079

FOR Tax Fees / 2nd Retainer

Alvin J. Malgieri

⑈001002⑈ ⑆021909300⑆ 2000728⑈001⑈

⑈

1. The front and back of the check must be signed by the payee or authorized agent of the payee.  
2. The front and back of the check must be signed by the payee or authorized agent of the payee.  
3. The front and back of the check must be signed by the payee or authorized agent of the payee.  
4. The front and back of the check must be signed by the payee or authorized agent of the payee.  
5. The front and back of the check must be signed by the payee or authorized agent of the payee.  
6. The front and back of the check must be signed by the payee or authorized agent of the payee.  
7. The front and back of the check must be signed by the payee or authorized agent of the payee.  
8. The front and back of the check must be signed by the payee or authorized agent of the payee.  
9. The front and back of the check must be signed by the payee or authorized agent of the payee.  
10. The front and back of the check must be signed by the payee or authorized agent of the payee.

PAY TO THE ORDER OF  
JPMORGAN CHASE BANK  
FOR DEPOSIT ONLY  
FISCAL & MISC  
OPERATING ACCOUNT  
81282361

4/28/2014 - 2235258 - Acct#:2000728001 - Amt:\$25,000.00 - Chk#:1002





BROOK ENTERPRISES LTD  
601 MERRICK RD  
LYNTHROOK, NY 11543 2312

1004

DATE MAY 15TH 2014

PAY  
TO THE  
ORDER OF

ALAN BRODICK

\$ 975.<sup>00</sup>

Five Hundred and seventy five and 00/100

7-00 DOLLARS



HUDSON VALLEY BANK

215 BROADWAY SUITE 2200 NEW YORK, NY 10078

*Alan Brodick*

⑈001004⑈ ⑆0219093001⑆ 2000728⑈001⑈

*Alan Brodick*

5/16/2014 - 2416164 - Acct#:2000728001 - Amt:\$975.00 - Chk#:1004

Sheet 1

**EXHIBIT B**  
**(ALISON BRETHERICK ACCOUNT)**

ANNE GEDDES

Alison Bretherick

0093

60-930/219  
25

date April 3, 2014

Pay to the order of Goetz Fitzpatrick \$ 25,000<sup>00</sup>  
Twenty Five thousand and ———— 100 dollars

Security features  
are included.  
Details on back.

©2002 ANNE GEDDES



HUDSON VALLEY BANK  
WOOLWORTH OFFICE  
233 BROADWAY, SUITE 2205  
NEW YORK, N.Y. 10279

for legal services - Chapter 11

*[Signature]*

MP

⑆021909300⑆ 2000058806 0093

©2002 ANNE GEDDES

ANNE GEDDES™ WAN

PAY TO THE ORDER OF  
For Deposit Only  
GOETZ FITZPATRICK LLP  
1500629432 - ONLY  
GOETZ FITZPATRICK, LLP  
ATTORNEY'S BUSINESS ACCOUNT  
April 4, 2014 11:06:12

4/4/2014 - 910003615 - Acct#:2000058806 - Amt:\$25,000.00 - Chk#:93

Sheet 1

⑈000310⑈ ⑈021909300⑈ 2000058⑈806⑈

Sheet 1

Submitted by number in certificate  
for cashier's check # 451322

Cashiers Check Purchase DDA 120 000  
4/7/2014 10:18 17  
2000058806 \$100,000.00

[illegible]

ALISON BREYER  
 The law offices of  
 Eric Franz  
 PAY TO THE ORDER OF  
 \$ 100,000.00  
 One Hundred Thousand and 00/100 DOLLARS  
 APRIL 7th 2014  
 DATE  
 50-930/219  
 20

0095

50-930/219  
20

Date 4.8.14

PAY TO THE  
ORDER OF

KARP Auto.

\$ 500.00

Five Hundred and

00

Dollars



Security features  
and instructions  
inside the back.



HUDSON VALLEY BANK  
WOOLWORTH OFFICE  
233 BROADWAY, SUITE 2205  
NEW YORK, N.Y. 10270

For REFUNDABLE DEPOSIT

Allen J. Karp

⑆021909300⑆ 2000058806⑈ 0095

©Clucke America 119

WILDLIFE PORTRAITS® WWP

PAY TO THE ORDER OF  
JPMORGAN CHASE, N.A.  
NEW YORK, N.Y.  
⑆021000021⑆  
FOR DEPOSIT ONLY  
KARP AUTOMOTIVE INC.  
112017598

4/8/2014 - 2009318 - Acct#:2000058806 - Amt:\$500.00 - Chk#:95

Sheet 1

© Clarke American REGENCY® WRE

0094

60-930/219  
20

Date April 3, 2014

Pay to the  
Order of HERRICK \$ 35,000

Thirty Five thousand and — /100 Dollars

Security features  
are included.  
Details on back



HUDSON VALLEY BANK  
WOOLWORTH OFFICE  
233 BROADWAY, SUITE 2205  
NEW YORK, N.Y. 10279

For Thomas H. J. DeTorse

*Alvaro P. [Signature]*

⑆021909300⑆ 2000058⑈806⑈ 0094

PAY TO THE ORDER OF  
NEW YORK  
CASH  
FOR DEPOSIT ONLY  
431710100

4/9/2014 - 2039234 - Acct#:2000058806 - Amt:\$35,000.00 - Chk#:94

Sheet 1



0096  
50-930/219  
20

Date 4.8.14

Pay to the  
order of

Yelanda Hoey

\$ 1,000

One Thousand and

Dollars

Security features  
are included.  
Details on back.

TM & © Turner Entertainment Co.  
(s02)



HUDSON VALLEY BANK  
WOOLWORTH OFFICE  
233 BROADWAY, SUITE 2205  
NEW YORK, N.Y. 10279

For

*[Signature]*

MP

⑆021909300⑆ 2000058⑈806⑈ 0096

TOM AND JERRY WTJ

*Yelanda Hoey*

4/10/2014 - 2052498 - Acct#:2000058806 - Amt:\$1,000.00 - Chk#:96

Sheet 1



Alison Bretherick

DATE April 11<sup>th</sup> 2014

50-930/219  
20

PAY  
TO THE  
ORDER OF

Eric Franz

\$ 100,000

One Hundred Thousand

00 / 100 DOLLARS



HUDSON VALLEY BANK  
WOOLWORTH OFFICE  
233 BROADWAY, SUITE 2206  
NEW YORK, N.Y. 10279

FOR

Legal Services

*[Signature]*

⑈000318⑈ ⑆021909300⑆ 2000058⑈806⑈

For deposit  
64070753465

4/14/2014 - 2081732 - Acct#:2000058806 - Amt:\$100,000.00 - Chk#:318

Sheet 1

0098

60-930/219  
20

Date 4/11/14

Pay to the Order of Kierp Auto

\$ 240.74

Two Hundred Forty and 94 / 100 Dollars



HUDSON VALLEY BANK  
WOOLWORTH OFFICE  
233 BROADWAY, SUITE 2205  
NEW YORK, N.Y. 10279

For DMV Fees

*[Signature]*

⑆021409300⑆ 2000058⑈806⑈ 0098

LANDSCAPES, N.Y.

PAY TO THE ORDER OF  
JPMORGAN CHASE, N.A.  
NEW YORK, N.Y.  
⑆021000021⑆  
FOR DEPOSIT ONLY  
KARP AUTOMOTIVE INC.  
112017598

4/15/2014 - 2095162 - Acct#: 2000058806 - Amt: \$240.94 - Chk#: 98

1100032211 120219093001 20000581180611

Deputy

### PHILOSOPHY

Wm. D. B.

ALISON BREThERICK  
93 GLENWOOD AVE  
POINT LOOKOUT, NY 11569-3006

104  
50-930/219  
20

April 28<sup>th</sup> 2014  
Date

Pay to the  
Order of: Alison Bretherick

\$ 4000.<sup>00</sup>

Four Thousand and

00 / 100 Dollars



HUDSON VALLEY BANK

233 BROADWAY, SUITE 2205, NEW YORK, NY 10279

For

*[Signature]*

AP

⑆021909300⑆ 2000058 806⑈ 0104

REF ID: A11010

0120345253

>021909300<

00'000'4\$9088 Hudson Valley Bank #120

2014-04-28

14 14:46 27

10120345253

cash On-Us Check 120 0082

*[Signature]*

4/28/2014 - 345253 - Acct#:2000058806 - Amt:\$4,000.00 - Chk#:104

Sheet 1

Alison Baethrick

DATE April 22, 2014

50-930/213  
20

PAY  
TO THE  
ORDER OF Fischetti & Malgieri

\$ 25,000<sup>00</sup>

Twenty Five Thousand and

00 / 100

DOLLARS

Security  
Features  
Check for  
more



HUDSON VALLEY BANK  
WOOLWORTH OFFICE  
233 BROADWAY, SUITE 2205  
NEW YORK, N.Y. 10279

FOR Tom Hoey Retainee

⑈000317⑈ ⑆021909300⑆ 2000058⑈806⑈

PAY TO THE ORDER OF  
JPMORGAN CHASE BANK, N.A.  
FOR DEPOSIT OR  
FISCHELLI & MALGIERI  
OPERATING ACCOUNT  
812622561

4/28/2014 - 2235257 - Acct#:2000058806 - Amt:\$25,000.00 - Chk#:317

Sheet 1

Courier Pack


ALISON BREThERICK  
93 GLENWOOD AVE  
POINT LOOKOUT, NY 11569-3006

101

50-930/219  
20

April 23<sup>rd</sup> 2014  
Date

Pay to the Order of T&M Protection Services | \$ 9,000<sup>00</sup>

Nine Thousand and \_\_\_\_\_ 00 / 100 Dollars  Security Features Details on Back



HUDSON VALLEY BANK

233 BROADWAY, SUITE 2205, NEW YORK, NY 10279

For Investigation Services

Alison Bretherick 

MP

⑆021909300⑆ 2000058 806⑈ 0101 ⑈0000900000⑈

Printed On: 5/1/2014

Blue Chequered

JPMORGANCHASE BK NA	CR TO NMD
043014	>074909962<
21639512	0005218
00955764	194
	0000000945958056
	RTS RSVD
	PAYEE ALL

5/1/2014 - 2272285 - Acct#:2000058806 - Amt:\$9,000.00 - Chk#:101

Sheet 1

ALISON BRETHERICK  
93 GLENWOOD AVE  
POINT LOOKOUT, NY 11569-3006

103

50-930/219  
20

April 25<sup>th</sup>, 2014  
Date

Pay to the Order of Herrick Feinstein \$ 20,000<sup>00</sup>  
Twenty Thousand and — <sup>00</sup>/<sub>100</sub> Dollars



HUDSON VALLEY BANK

233 BROADWAY, SUITE 2205, NEW YORK, NY 10279

For Bob Ratter Law Services

*Alison Brettherick*

⑆021909300⑆ 2000058 806⑈ 0103

Hydant Check

Security Features Details on Back

PAY TO THE ORDER OF  
CITIBANK, N.A.  
NEW YORK, NY 10022-4695  
021000089  
FOR DEPOSIT ONLY  
HERRICK FEINSTEIN LLP  
MAIN OPERATING ACCOUNT  
4971715185

5/1/2014 - 2273958 - Acct#:2000058806 - Amt:\$20,000.00 - Chk#:103

Sheet 1



ALISON BRETHERICK  
93 GLENWOOD AVE  
POINT LOOKOUT, NY 11569-3006

106

50-930/219  
20

May 14, 2014

Date

Pay to the  
Order of

Marie Hoey

\$ 5,000

Five Thousand and

no/100 Dollars



Security  
Features  
Details on  
Back.



HUDSON VALLEY BANK

233 BROADWAY, SUITE 2205, NEW YORK, NY 10279

For

Lowyers

*Alison Brettherick*

SP

⑆021909300⑆ 2000058 806⑈ 0106

Microfilm

800 SHEPHERD

>221970443< 20140515  
STERLING NATIONAL BANK  
411 21

Marie Hoey  
046031869

5/16/2014 - 2412099 - Acct#:2000058806 - Amt:\$5,000.00 - Chk#:106

Sheet 1

✓ CS140515-2222


0099

50-930/219  
20

Date 4.15.14

Pay to the Order of T & M Protection Resources \$ 9,000<sup>00</sup>

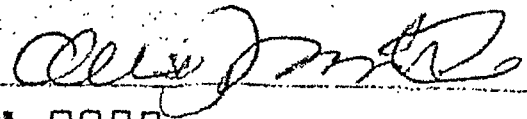
Nine Thousand and 00 ————— 00 Dollars

 Security features are included. Details on back.



HUDSON VALLEY BANK  
WOOLWORTH OFFICE  
233 BROADWAY, SUITE 2205  
NEW YORK, N.Y. 10279

or Thomas Hoey up to incl.



MP

⑆021909300⑆ INVOICE # 2000058806 0099

\*This is a facsimile of the original check which was endorsed by the undersigned and was reported missing or destroyed or was otherwise photocopied or imaged while in the regular course of bank collection. All missing endorsements and the validity of this facsimile are hereby guaranteed upon payment hereof in lieu of the original check. The undersigned will hold such collection bank and the payor bank harmless from any loss suffered provided the original check is unpaid and payment is stopped thereon.  
JPMorgan Chase Bank, N.A. 074000010

Case # CS140515-2222

Name K. Byrdges

CRUISERS WCH

5/19/2014 - 2430431 - Acct#:2000058806 - Amt:\$9,000.00 - Chk#:99

ALISON BREThERICK  
93 GLENWOOD AVE  
POINT LOOKOUT, NY 11569-3006

108

50-930/219  
20

May 15<sup>th</sup>, 2014  
Date

Pay to the  
Order of Brian Kupchik \$ 2500<sup>00</sup>

Two Thousand Five Hundred — <sup>00</sup>/<sub>100</sub> Dollars



HUDSON VALLEY BANK

233 BROADWAY, SUITE 2205, NEW YORK, NY 10279

For 1st month Rent JUNE

*[Signature]*

MP

⑆021909300⑆ 2000058 806⑈ 0108

Harland Clarke

BLUE SHEPHERD

*[Signature]*

5/20/2014 - 2010978 - Acct#:2000058806 - Amt:\$2,500.00 - Chk#:108

Sheet 1

ALISON BREThERICK  
93 GLENWOOD AVE  
POINT LOOKOUT, NY 11569-3008

107

50-930/219  
20

May 15<sup>th</sup> 2014  
Date

Pay to the Order of Brian Kupchik \$ 2500<sup>00</sup>

Two Thousand five hundred and — 00/100 Dollars  Security Features Details on Back



HUDSON VALLEY BANK

233 BROADWAY, SUITE 2205, NEW YORK, NY 10279

For

Security Deposit

⑆021909300⑆ 2000058 8061⑈ 0107

Millard Clark

BLUE SHEET (1/1)

5/20/2014 - 2010979 - Acct#:2000058806 - Amt:\$2,500.00 - Chk#:107

Sheet 1

ALISON BREThERICK  
93 GLENWOOD AVE  
POINT LOOKOUT, NY 11569-3006

110

50 930/219  
20

May 23<sup>rd</sup>, 2014  
Date

Pay to the Order of Alison Bretherick \$ 2,500. 00/100

Two Thousand Five Hundred and — 100/100 Dollars



HUDSON VALLEY BANK

233 BROADWAY, SUITE 2205, NEW YORK, NY 10270

For \_\_\_\_\_

*[Signature]*

MP

⑆021909300⑆ 2000058 806⑈ 0110

Noted Check

CHIEF OF BRANCH

0120660755

>021909300<

00'005'2\$ 9088 Hudson Valley Bank #120

8806 \$2,500.00 2014-05-23

98 20:14 16:07 36 0120660755

NIA Cash On-Us Check 120 0082

*[Signature]*

5/23/2014 - 660755 - Acct#:2000058806 - Amt:\$2,500.00 - Chk#:110

Sheet 1


ALISON BREThERICK  
93 GLENWOOD AVE  
POINT LOOKOUT, NY 11569-3006

109

50-930/219  
20

May 21st 2014  
Date

Pay to the Order of Yolanda Hoey \$ 1,000<sup>00</sup>

One Thousand and 00 / 100 Dollars  Security Features Details on Back



HUDSON VALLEY BANK

233 BROADWAY, SUITE 2205, NEW YORK, NY 10279

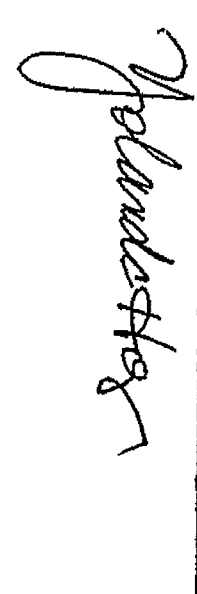
For \_\_\_\_\_

 AP

⑆021404300⑆ 2000058 806⑈ 0109

Holland Charlie

BLUE SHEPHERD™



5/23/2014 - 2048844 - Acct#:2000058806 - Amt:\$1,000.00 - Chk#:109

Sheet 1

ALISON BREThERICK  
93 GLENWOOD AVE  
POINT LOOKOUT, NY 11569-3006

111

50-930/213  
20

June 16, 2014  
Date

Pay to the Order of Gootz Fitzpatrick \$ 15,000.<sup>00</sup>  
Fifteen Thousand and 00 Dollars



HUDSON VALLEY BANK

233 BROADWAY, SUITE 2205, NEW YORK, NY 10279

For FF Bankruptcy Chpt-11

*[Signature]*

MP

⑆021409300⑆ 2000058 806⑈ 0111

Hardened Cheque

BOUE SHEFFIELD™

PAY TO THE ORDER OF  
SIGNATURE BANK  
For Deposit Only  
GUTZ FITZPATRICK LLP  
FOR DEPOSIT ONLY  
G0500029432  
ATTORNEYS BUSINESS ACCOUNT  
ACCT. #1500629432

ALISON BREThERICK  
93 GLENWOOD AVE  
POINT LOOKOUT, NY 11569-3008

112

50-930/219

20

June 18<sup>th</sup>, 2014

Date

Pay to the  
Order of

Ellen BRUND

\$ 1,018.50

One Thousand and eighteen and

50/100

Dollars



Security  
Features  
Guaranteed  
Real



HUDSON VALLEY BANK

233 BROADWAY, SUITE 2205, NEW YORK, NY 10279

For

Hoev Transcript, 1944pgs.

*[Signature]*

MP

⑆021909300⑆ 2000058 806⑈ 0112

Harland Clarke

BLUE SHEET PFD

Ellen & Brund  
222-1-180049  
per deposit order

7/1/2014 - 2364840 - Acct#:2000058806 - Amt:\$1,018.50 - Chk#:112

Sheet 1